

# Nadler Statement on Child Custody Protection Act

Monday, 25 September 2006

WASHINGTON, D.C. &ndash; Today, the House of Representatives considered S. 403, the Child Custody Protection Act. Congressman Jerrold Nadler is the Ranking Democrat on the Constitution Subcommittee, which has jurisdiction over the bill. Congressman Nadler delivered the following remarks on the House floor in opposition to the legislation:

"Mr. Speaker, I yield myself as much time as I may consume.

This legislation, which we have already considered in this Congress, poses a real threat to the lives and health of young women. It would require a minor who is pregnant, possible as a result of parental abuse, to carry the parental notification laws of her home state on her back to another state, and hold doctors, grandparents, clergy, and anyone else who tries to help her a criminal. The sponsors, not satisfied with extending state laws into other states, now want to enforce those state laws in other countries.

Not since the enactment of the Fugitive Slave Act has the federal government sought to enforce the laws of one state in another.

This latest crazy quilt of restrictions obviously has but one purpose: to impede the practice of medicine, to ensure that young women will have as few options as possible, to make criminals of relatives and adults who try to help them, and to teach those states, like mine, that do not believe these laws promote adolescent health, that Congress knows best, and our citizens do not.

Often, that adult assisting the minor is a grandparent, or a sibling, or a member of the clergy. In some cases, the young woman may not be able to go to her parents because they are a danger to her. That's what happened to Spring Adams, a 13 year old from Idaho. She was shot to death by her father after he found out that she planned to terminate a pregnancy &ndash; one he caused by his acts of incest.

This bill also uses a narrow definition of medical emergency that seems to have been lifted from one of Alberto Gonzalez's infamous torture memos. The prohibition "does not apply if the abortion is necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself, or because in the reasonable medical judgment of the minor's attending physician, the delay in performing an abortion occasioned by fulfilling the prior notification requirement . . . would cause a substantial and irreversible impairment of a major bodily function of the minor arising from continued pregnancy, not including psychological or emotional conditions. . . ." so long as the physician notifies the parent within 24 hours.

The bill now also excludes ectopic pregnancies and the removal of a dead fetus, for which, I suppose, civilized people everywhere should be grateful.

It's progress, although it still falls far short of the protection for a woman's health required by the Constitution which requires an explicit exception to protect the life or health of the woman, not just those conditions a few extremists find acceptable. No mental health exception? That's the only justification for helping a young woman who has been raped by her father. There is certainly no physical risk, yet this bill would require a doctor to seek that father's permission.

There are many things far short of death or a substantial and irreversible impairment of a major bodily function that endanger a young woman. She deserves prompt and professional medical care, and, no matter how much some people don't like it, the Constitution still protects her right to receive that care.

In a perfect world, loving, supportive, and understanding families would join together to face these challenges. That's what happens in the majority of cases, law or no law. But we do not live in a perfect world. Some parents are violent. Some parents are rapists. Some young people can turn only to their clergy, to a grandparent, a sibling, or some other trusted adult. We should not turn these people into criminals.

This bill, although slightly modified, is as wrong and as dangerous today as it was when this House considered it last year. It still deserves to be rejected."

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